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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/939,855

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Sunil H. Contractor

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07/11/2005

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EXAMINER

MILLER, BRANDON J

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/939,855

Applicant(s)

CONTRACTOR, SUNIL H.

Examiner

Brandon J. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/05/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-19,21,22,27-32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-19,21,22,27-32 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/05/2005 has been entered.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-19, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare (6,603,973) in view of Foladare (5,742,906).

Regarding claim 1 Foladare (6,603,973) teaches a method of forwarding a telephone call (see col. 3, lines 17-23). Foladare (6,603,973) teaches receiving a telephone call from a calling party line to a called party translatable telephone number (see col. 2, lines 64-66, col. 3, lines 16-21 and FIG. 1). Foladare (6,603,973) teaches determining a location of the called party (see col. 3, lines 24-29). Foladare (6,603,973) teaches determining a proximity of the location of the called party to one or more subscriber locations, the subscriber locations identified independent of called party predetermination (see col. 3, lines 23-29 & 36-41); and directing the telephone

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call to the one or more subscriber locations based on the determined proximity (see col. 3, lines 53-61). Foladare (6,603,973) does not specifically teach the called party being a wired line.

Foladare (5,742,906) teaches an attempt to reach a called party that includes, receiving a call from a calling party line to a called party wired line or personal reach 800-type number (see col. 2, lines 15-27, 44-46, & 56-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the translatable telephone number in Foladare (6,603,973) adapt to include the called party being a wired line because a personal reach 800-type number is a translatable telephone number and it can be used to reach a called party wired line, this would allow for an improved location based call forwarding service.

Regarding claim 3 Foladare (6,603,973) teaches the location of the called party that is determined using a global position system (see col. 5, lines 61-65).

Regarding claim 4 Foladare (6,603,973) teaches the location of the called party that is determined using a radio frequency signal (see col. 3, lines 26-29).

Regarding claim 5 Foladare (6,603,973) teaches subscriber locations that are identified by a directory number (see col. 3, lines 16-21).

Regarding claim 6 Foladare (6,603,973) teaches forwarding a telephone call to a wireless communication device based on the determined proximity (see col. 3, lines 53-57 & 65-66).

Regarding claim 7 Foladare (6,603,973) teaches forwarding a telephone call to a voice message system based on the determined proximity (see col. 3, lines 53-57 & col. 4, lines 3-4).

Regarding claim 8 Foladare (6,603,973) teaches forwarding a telephone call to another user based on a location of the other user (see col. 3, lines 53-57 & 64-67).

Regarding claim 9 Foladare (6,603,973) teaches determining the proximity by at least one of the following: a service node, a customer premise equipment unit, a service control point, and a location detection device (see col. 3, lines 23-29).

Regarding claim 10 Foladare (6,603,973) teaches subscriber locations that include at least one of the following: a wire telephone, a public pay telephone, a wireless communication device (see col. 3, lines 19-21).

Regarding claim 11 Foladare (6,603,973) teaches one or more persons that are subscribed to the called party line (see col. 3, lines 16-29).

Regarding claim 12 Foladare (6,603,973) teaches a method of directing a communication (see col. 3, lines 17-23). Foladare (6,603,973) teaches receiving a communication directed to a translatable telephone number of a party (see col. 2, lines 64-66, col. 3, lines 16-21 and FIG. 1). Foladare (6,603,973) teaches determining a location of the party (see col. 3, lines 24-29). Foladare (6,603,973) teaches comparing the location of the party to one or more subscriber locations, the subscriber locations identified independent of called party predetermination (see col. 3, lines 23-29 & 36-41); and directing the communication as a function of the comparison (see col. 3, lines 53-61). Foladare (6,603,973) does not specifically teach the party being a wired line. Foladare (5,742,906) teaches an attempt to reach a called party that includes, receiving a call from a calling party line to a called party wired line or personal reach 800-type number (see col. 2, lines 15-27, 44-46, & 56-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the translatable telephone number in Foladare (6,603,973) adapt to include the party being a wired line because a personal reach 800-type

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number is a translatable telephone number and it can be used to reach a called party wired line, this would allow for an improved location based call forwarding service.

Regarding claim 13 Foladare (6,603,973) teaches a communication that is voice-based (see col. 5, lines 57-59).

Regarding claim 14 Foladare (6,603,973) teaches a communication that is text-based (see col. 5, lines 48-51).

Regarding claim 15 Foladare (6,603,973) teaches a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 16 Foladare (6,603,973) teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 17 Foladare (6,603,973) teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 18 Foladare (5,742,906) teaches a directory number that is associated with a wired telephone subscriber location (see col. 2, lines 22-25 & 55-58).

Regarding claim 19 Foladare (6,603,973) teaches a directory number that is associated with a wireless communication device (see col. 3, lines 65-66 and col. 5, lines 54-55).

Regarding claim 21 Foladare (6,603,973) teaches a communication that is directed to a voice message system (see col., lines 3-4).

Regarding claim 22 Foladare (6,603,973) teaches comparing that is accomplished by at least one of the following: a service node, a customer premise equipment, and a service control point (see col. 3, lines 24-26).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 27-32 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Foladare (6,603,973).

Regarding claim 27 Foladare (6,603,973) teaches a system for redirecting a communication (see col. 3, lines 17-23). Foladare (6,603,973) teaches a transponder for transmitting a location of a user (see col. 3, lines 24-29). Foladare (6,603,973) teaches a service control point for comparing a subscriber location with the location of the user, the subscriber location identified independent of called party predetermination (see col. 3, lines 23-29 & 36-41); and a service transfer point in communication with a service control point for directing the communication as a function of the comparison (see col. 2, lines 55-57 and col. 3, lines 53-61).

Regarding claim 28 Foladare (6,603,973) teaches one or more subscriber telephones in communication with a service switching point, wherein the service switching point is in communication with the service transfer point (see col. 2, lines 50-57 and FIG. 1).

Regarding claim 29 Foladare (6,603,973) teaches the transponder communicates the location of the user to the subscriber telephones (see col. 3, lines 17-24).

Regarding claim 30 Foladare (6,603,973) teaches the transponder communicates the location of the user to the service control point (see col. 39-41).

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Regarding claim 31 Foladare (6,603,973) teaches a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 32 Foladare (6,603,973) teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 34 Foladare (6,603,973) teaches a service node in communication with the service control point (see col. 3, lines 39-41).

### ***Response to Arguments***

Applicant's arguments with respect to claim 1, 3-19, 21-22, 27-32, and 34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Syed et al. U.S Patent No. 6,038,451 discloses a location-based method of and system for forwarding wireless telephone calls.

Sollee et al. U.S. Patent No. 6,393,288 discloses a method of identifying mobile station location to establish homezone feature.

Valentine et al. U.S Patent No. 5,924,027 discloses a method of best-chance routing.

Salin U.S. Patent No. 6,501,948 discloses call forwarding in a telecommunication system.

Gruchala et al. U.S Patent No. 6,813,346 discloses a system and method for selecting a destination number upon receiving a dialed number from a calling party.

Hafez U.S. Patent No. 6,804,343 discloses a method for destination control in an intelligent network.



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Bosik et al. U.S Patent No. 6,856,806 discloses a method for call forwarding a call from a mobile telephone.

Akhteruzzaman et al. U.S. Patent No. 6,405,042 discloses a provision of cellular/wire-line service.

Gallant U.S. Patent No. 6,259,782 discloses a one-number communications system and service integrating wireline/wireless telephone communications systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



June 28, 2005



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